



# FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP  
600 CONGRESS AVENUE, SUITE 2400  
AUSTIN, TEXAS 78701-3271  
WWW.FULBRIGHT.COM

1FW

DAVID L. PARKER  
PARTNER  
DPARKER@FULBRIGHT.COM

DIRECT DIAL: (512) 536-3055  
TELEPHONE: (512) 474-5201  
FACSIMILE: (512) 536-4598

May 28, 2004

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below:	
May 28, 2004	David L. Parker
Date	

## MS AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: *U. S. Patent Application No. 10/672,763 "ETHYLENEDICYSSTEINE (EC)-DRUG CONJUGATES, COMPOSITIONS AND METHODS FOR TISSUE SPECIFIC DISEASE IMAGING" – David Yang, et al.*

*Our Ref. No. UTSC:664USC1*  
*UT Ref No.: MDA99-040*

Sir:

Enclosed for filing in the above-referenced patent application is a Supplemental Information Disclosure Statement, Form PTO-1449 and references A43, B8-B10 and C293-C339.

No fees are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/UTSC:664USC1.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

David L. Parker  
Reg. No. 32,165

DLP/kmv  
Encl.: as noted

25416488.1

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
David Yang et al.

Serial No.: 10/672,763

Filed: September 26, 2003

For: ETHYLENEDICYSSTEINE (EC)-DRUG  
CONJUGATES, COMPOSITIONS AND  
METHODS FOR TISSUE SPECIFIC  
DISEASE IMAGING



Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: UTSC:664USC1

**CERTIFICATE OF MAILING  
37 C.F.R. 1.8**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

May 28, 2004

Date

David L. Parker

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

**MS AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

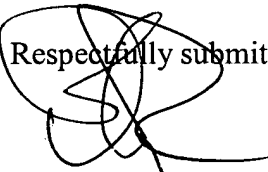
In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record.

In accordance with 37 C.F.R. §§ 1.97(g), (h), this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Supplemental Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/UTSC:664USC1.

This application is a continuation application of Serial No. 09/599,152, filed June 21, 2000 and is relied upon for an earlier filing date under 35 U.S.C. § 120. In accordance with Rule 37 C.F.R. § 1.98(d) only copies of those documents not previously cited and submitted to the Patent and Trademark Office in prior application Serial No. 09/599,152 are enclosed for the convenience of the Examiner.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,  


David L. Parker  
Reg. No. 32,165  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: May 28, 2004

Form PTO-1449 (modified)

Atty. Docket No.

Serial No.

UTSC:664USC1

10/672,763

List of Patents and Publications for Applicant's

Applicants

David Yang *et al.*

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Filing Date:

September 26, 2003

Group:

Unknown

U.S. Patent Documents

See Page 1

Foreign Patent Documents

See Page 1

Other Art

See Page 1

## U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A43	5,268,163	12/07/93	Verbruggen	424	1.1	4/10/91

## Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B8	WO 01/80906	11/01/01	PCT			English
	B9	WO 01/91807	12/06/01	PCT			English
	B10	WO 91/16076	10/31/91	PCT			English

## Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C293	Alauddin and Conti, "Synthesis and preliminary evaluation of 9-(4-[18F]-Fluoro-3-Hydroxymethylbutyl)guanine ([18F]FHBG): a new potential imaging agent for viral infection and gene therapy," <i>Nucl. Med. Biol.</i> , 25:175-180, 1998.
	C294	Alauddin <i>et al.</i> , "9-[(3-18F)-fluoro-1-hydroxy-2-propoxy)methyl]guanine ([18F]-FHPG): a potential imaging agent of viral infection and gene therapy using PET," <i>Nucl. Med. Biol.</i> , 23:787-792, 1996.
	C295	Alauddin <i>et al.</i> , "Evaluation of 9-[(3-18F)-fluoro-1-hydroxy-2-propoxy)methyl]guanine ([18F]-FHPG) in vitro and in vivo as probe for PET imaging of gene incorporation and expression in tumors," <i>Nucl. Med. Biol.</i> , 26:371-376, 1999.
	C296	Alauddin <i>et al.</i> , "Receptor mediated uptake of a radiolabeled contrast agent sensitive to $\beta$ -galactosidase activity," <i>Nucl. Med. Biol.</i> , 30:261-265, 2002.
	C297	Appelbaum <i>et al.</i> , "The use of radiolabeled anti-CD33 antibody to augment marrow irradiation prior to marrow transplantation for acute myelogenous leukemia," <i>Transplantation</i> , 54(5):829-833, 1992.
	C298	Bertolini <i>et al.</i> , "Angiogenic growth factors and endostatin in non-Hodgkin's lymphoma," <i>Br. J. Haematol.</i> , 106:5045, 1999.

25416404.1

EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

Form PTO-1449 (modified)		Atty. Docket No. UTSC:664USC1	Serial No. 10/672,763
List of Patents and Publications for Applicant's  INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)		Applicants David Yang <i>et al.</i>	
		Filing Date: September 26, 2003	Group: Unknown
U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Page 1</i>	Other Art <i>See Page 1</i>	

### Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C299	Blakenberg <i>et al.</i> , "In vivo detection and imaging of phosphatidylserine expression during programmed cell death," <i>Proc. Natl. Acad. Sci., USA</i> , 95:6349-6354, 1998.
	C300	Bormans <i>et al.</i> , "Synthesis and biological characteristics of the four stereoisomers of 99mTc-N, N'-bis-(mercaptoacetyl)2,3-diaminopropanoate," <i>Int. J. Rad. Appl. Instrum. B.</i> , 17(5):499-506, 1990.
	C301	Burian <i>et al.</i> , <i>Acta Otolaryngol.</i> , 119:289-292, 1999.
	C302	Cao, "Therapeutic potentials of angiostatin in the treatment of cancer," <i>Haematologica</i> , 84:643-650, 1999.
	C303	Deveraux and Reed, "IAP family proteins-suppressors of apoptosis," <i>Genes and Development</i> , 13:239-252, 1999.
	C304	Frisch and Screaton, "Anoikis mechanisms," <i>Curr. Opin. Cell Biol.</i> , 13:555-562, 2001.
	C305	Gambhir <i>et al.</i> , "A mutant herpes simplex virus type 1 thymidine kinase reporter gene shows improved sensitivity for imaging reporter gene expression with positron emission tomography," <i>Proc. Natl. Acad. Sci., USA</i> , 97(6):2785-2790, 2000.
	C306	Gambhir <i>et al.</i> , "Imaging adenoviral-directed reporter gene expression in living animals with positron emission tomography," <i>Proc. Natl. Acad. Sci., USA</i> , 96:2333-2338, 1999.
	C307	Gambhir <i>et al.</i> , "Imaging of adenoviral-directed herpes simplex virus type 1 thymidine kinase reporter gene expression in mice with radiolabeled ganciclovir," <i>J. Nucl. Med.</i> , 39:2003-2011, 1998.
	C308	Green and Evan, "A matter of life and death," <i>Cancer Cell</i> , 1:19-30, 2002.
	C309	Inoue <i>et al.</i> , "The prognostic value of angiogenesis factor expression for predicting recurrence and metastasis of bladder cancer after neoadjuvant chemotherapy and radical cystectomy," <i>Clin. Cancer Res.</i> , 6:4866-4873, 2000.
	C310	Ionov <i>et al.</i> , "Mutational inactivation of the proapoptotic gene BAX confers selective advantage during tumor clonal evolution," <i>Proc. Natl. Acad. Sci., USA</i> , 97(20):10872-10877, 2000.
	C311	Iyer <i>et al.</i> , "8-[18F]Fluoropenciclovir: an improved reporter probe for imaging HSV1-tk reporter gene expression in vivo using PET," <i>J. Nucl. Med.</i> , 42(1):96-105, 2001.

25416404.1

EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

Form PTO-1449 (modified)		Atty. Docket No. UTSC:664USC1	Serial No. 10/672,763
List of Patents and Publications for Applicant's  INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)		Applicants David Yang <i>et al.</i>	
		Filing Date: September 26, 2003	Group: Unknown
U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Page 1</i>	Other Art <i>See Page 1</i>	

### Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C312	Kao <i>et al.</i> , "Relationship of alveolar permeability and lung inflammation in patients with active diffuse infiltrative lung disease detected by 99Tcm-DTPA radioaerosol inhalation lung scintigraphy and quantitative 67Ga lung scans," <i>Nucl. Med. Commun.</i> , 15(10):850-854, 1994.
	C313	Kao <i>et al.</i> , "Role of radioisotope penile plethysmigraphy in the evaluation of penile hemodynamic of impotent patients," <i>J. Nuclear Med.</i> , 37:292P, Abstract No. 1304, 1996.
	C314	Kao <i>et al.</i> , "Tc-99m MIBI uptake in breast carcinoma and axillary lymph node metastases," <i>Clin. Nuc. Med.</i> , 19(10):898-900, 1994.
	C315	Lin <i>et al.</i> , "The role of Tc-99m MDP and Ga-67 imaging in the clinical evaluation of malignant fibrous histiocytoma," <i>Clin. Nucl. Med.</i> , 19(11):996-1000, 1994.
	C316	Liu <i>et al.</i> , "Apoptotic signals delivered through the T-cell receptor of a T-cell hybrid require the immediate-early gene <i>nur77</i> ," <i>Nature</i> , 367(6460):281-284, 1994.1994.
	C317	Liu <i>et al.</i> , "Detection of anaerobic odontogenic infections by fluorine-18 fluoromisonidazole," <i>Eur. J. Nucl. Med.</i> , 23(10):1384-1387, 1996.
	C318	Macapinlac <i>et al.</i> , "Callium-67-citrate imaging in nuclear oncology," <i>Nucl. Med. Biol.</i> , 21(5):731-738, 1994.
	C319	Makin and Hickman, "Apoptosis and cancer chemotherapy," <i>Cell Tissue Res.</i> , 301:143-152, 2000.
	C320	Martin <i>et al.</i> , "Noninvasive detection of hypoxic myocardium using fluorine-18 fluoromisonidazole and positron emission tomography," <i>J. Nucl. Med.</i> , 33(12):2202-2208, 1992.
	C321	Meredith <i>et al.</i> , "Treatment of metastatic prostate carcinoma with radiolabeled antibody CC49," <i>J. Nucl. Med.</i> , 35(6):1017-1022, 1994.
	C322	Namavari <i>et al.</i> , "Synthesis of 8-[18F]Fluoroguanin derivatives: in vivo probes for imaging gene expression with positron emission tomography," <i>Nucl. Med. Biol.</i> , 27:157-162, 2000.
	C323	Reed, "Apoptosis-targeted therapies for cancer," <i>Cancer Cell</i> , 3:17-22, 2003.
	C324	Smalley <i>et al.</i> , "Localization of fluorescent compounds in the firefly light organ," <i>J. Histochem. Cytochem.</i> , 28(4):323-329, 1980.
	C325	Smith <i>et al.</i> , "Prognostic significance of vascular endothelial growth factor protein levels in oral and oropharyngeal squamous cell carcinoma," <i>J. Clin. Oncol.</i> , 18(10):2046-2052, 2000.

25416404.1

EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

Form PTO-1449 (modified)		Atty. Docket No. UTSC:664USC1	Serial No. 10/672,763
List of Patents and Publications for Applicant's  INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)		Applicants David Yang <i>et al.</i>	
		Filing Date: September 26, 2003	Group: Unknown
U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Page 1</i>	Other Art <i>See Page 1</i>	

### Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C326	Taggart <i>et al.</i> , <i>Human Mutation</i> , 13(3):210-220, 1999.
	C327	Tjuvajev <i>et al.</i> , "Comparison of radiolabeled nucleoside probes (FIAU, FHGB, and FHPG) for PET imaging of HSV1-tk gene expression," <i>J. Nucl. Med.</i> , 43:1072-1083, 2002.
	C328	Tschopp <i>et al.</i> , "Apoptosis: silencing the death receptors," <i>Curr. Biol.</i> , 9:R381-R384, 1999.
	C329	Ugurel <i>et al.</i> , "Increased serum concentration of angiogenic factors in malignant melanoma patients correlates with tumor progression and survival," <i>J. Clin. Oncol.</i> , 19(2):577-583, 2001.
	C330	Yaghoubi <i>et al.</i> , "Human pharmacokinetic and dosimetry studies of {18F}FHBG: a reporter probe for imaging herpes simplex virus type-1 thymidine kinase reporter gene expression," <i>J. Nucl. Med.</i> , 42:1225-1234, 2001.
	C331	Ye <i>et al.</i> , "TRAF family proteins interact with the common neurotrophin receptor and modulate apoptosis induction," <i>J. Biol. Chem.</i> , 274(42):30202-30208, 1999.
	C332	Yeh <i>et al.</i> , "Fluorine-18 fluoromisonidazole tumour to muscle retention ratio for the detection of hypoxia in nasopharyngeal carcinoma," <i>Eur. J. Nucl. Med.</i> , 23(10):1378-1383, 1996.
	C333	Yen <i>et al.</i> , "A comparative study of evaluating renal scars by 99mTc-DSMA planar and SPECT renal scans, intravenous urography, and ultrasonography," <i>Ann. Nucl. Med.</i> , 8(2):147-152, 1994.
	C334	Yen <i>et al.</i> , "Technetium-99m-DMSA renal SPECT in diagnosing and monitoring pediatric acute pyelonephritis," <i>J. Nucl. Med.</i> , 37(8):1349-1353, 1996.
	C335	Yen <i>et al.</i> , "The role of technetium-99m sestamibi whole-body scans in diagnosing metastatic Hurthle cell carcinoma of the thyroid gland after total thyroidectomy: a comparison with iodine-131 and thallium-201 whole-body scans," <i>Eur. J. Nucl. Med.</i> , 21(9):980-983, 1994.
	C336	Co-Pending U.S. Patent Application 09/599,152 filed 6/21/00.
	C337	Co-Pending U.S. Patent Application 10/672,142 filed 9/26/03.
	C338	Co-Pending U.S. Patent Application 10/703,405 filed 11/07/03.
	C339	Co-Pending U.S. Patent Application 10/732,919 filed 12/10/03.

25416404.1

EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.